761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 11, 2010

OFFICE CORRESPONDENCE FILE NO. SH2233356

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY HUGO F. RAMOS #[redacted]
DEPUTY JOSEPH M. MANFREE #[redacted]
EAST LOS ANGELES STATION

Deputies Hugo F. Ramos #[redacted] and Joseph M. Manfree #[redacted] responded to [redacted] Floral Avenue, East Los Angeles to assist with an "illegal shots fired" call.

Deputy Ramos drove their radio car west on Folsom Street approaching Humphreys Avenue. Both deputies saw Suspect Salvador Zepeda running east on Folsom Street toward the northwest corner of Humphreys Avenue. Deputy Ramos stopped their radio car at the corner and both deputies exited.

When Suspect Zepeda apparently saw the deputies, he removed what appeared to be a large handgun from his waistband and pointed it at them. Both deputies fired several rounds at the suspect, striking him.

Suspect Zepeda was pronounced dead at the scene by L.A. County Fire personnel. A large, black steel air-pistol was recovered next to Suspect Zepeda's body.

On July 22, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Hugo F. Ramos #[redacted] and Deputy Joseph M. Manfree #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by both deputes in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

Table of Contents

SH2233356

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 06-04-2010	Bureau/Station/Facility: East Los Angeles Sheriff's Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 008-15402-0273-013	Date: 11-30-2008	Time: 0205 hours

City or Station: East Los Angeles

Location: Northwest corner of Humphreys Avenue / Folsom Street.

Nature of Incident: While enroute to an "illegal shots fired" call (923's), deputies were confronted with a male, who pulled out a large semi-automatic weapon from his waistband and pointed it toward their direction. Deputies exited their patrol vehicle and shot the suspect in fear for their lives. The suspect was pronounced dead at the scene. A large caliber air pistol/pellet gun was recovered at the scene.

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled)
Other: ______

Lighting (*circle only one*): **Darkness** (circled), Daylight, Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 30 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, **Two Person Unit** (circled)

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
8	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Lopez	Oscar	L.	**EM** (circled) PM Day	**Regular** (circled) Overtime Off Duty
[redacted]	Astorga	Mario	G.	**EM** (circled) PM Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Ridley	Ronald	W.	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Dane	Sean	J.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Richards	Mark	G.

PSTD Use Only

SH # ______

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/30/2008	0205 hours	06/05/2010	

Employee #	Last Name	First Name	M.I
[redacted]	Haynes	Laura	L.
[redacted]	Roberts	Maria	T.
[redacted]	Slawson	Don	M.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	DH	HE
E#1	S#1	FH	BR	9	Y	Y	DH	NK
E#1	S#1	FH	BR	9	Y	Y	DH	SH
E#1	S#1	FH	BR	9	Y	Y	DH	GR
E#2	S#1	FH	BR	9	Y	Y	DH	HE
E#2	S#1	FH	BR	9	Y	Y	DH	NK
E#2	S#1	FH	BR	9	Y	Y	DH	SH
E#2	S#1	FH	BR	9	Y	Y	DH	GR
S#1	E#1	FH	ZZ	WW	-	-	NN	NN
S#1	E#2	FH	ZZ	WW	-	-	NN	NN

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 008-15402-0273-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Ramos	First Name: Hugo	M.I.: F.
Sex: M Race: H	Rank: DSG	Unit Assignment: East Los Angeles	Work Assignment (Unit #, Module, etc.): 24
ShiftTime (*circle only one*): (EM circled) PM Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: -
Hospital Admission? ☐	Hospital Name: -	Coroner Case? ☐	Coroner Case #: - Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest circled)	Other Factors:
Age: [redacted] Height: 5'08" Weight: 160			
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1 Directed Force: [redacted]
Weapons Fired Brand: Beretta 92F	Caliber: 9	# Shots: 5	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name: Manfree	First Name: Joseph	M.I.: -
Sex: M Race: H	Rank: DSG	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 24
ShiftTime (*circle only one*): (EM circled) PM Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: -
Hospital Admission? ☐	Hospital Name: -	Coroner Case? ☐	Coroner Case #: - Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest circled)	Other Factors:
Age: [redacted] Height: 5'10" Weight: 215			
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta 92F	Caliber: 9	# Shots: 3	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 008-15402-0273-013

Suspect Information

S 1

Last Name Zepeda	First Name Salvador	M.I. A.
AKA Last Name	First Name	M.I.
Sex: M Race: H	Street Address: [redacted] City [redacted]	State & Zip Code: [redacted]
Work Phone: -	Home Phone: [redacted] Social Security #: -	Driver's License #: [redacted]
Age: 18 D.O.B. 03/08/1990	Height: 5'5" Weight: 120 FBI # [redacted]	CII # [redacted]
Booking # Deceased	Primary Charge: 245(d)(1) P.C. Secondary Charge: 417.4 P.C.	
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☒	Substance Used: Marijuana
Armed? ☒	Apprehended? ☒ Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make	Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge: Secondary Charge:	
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

S__

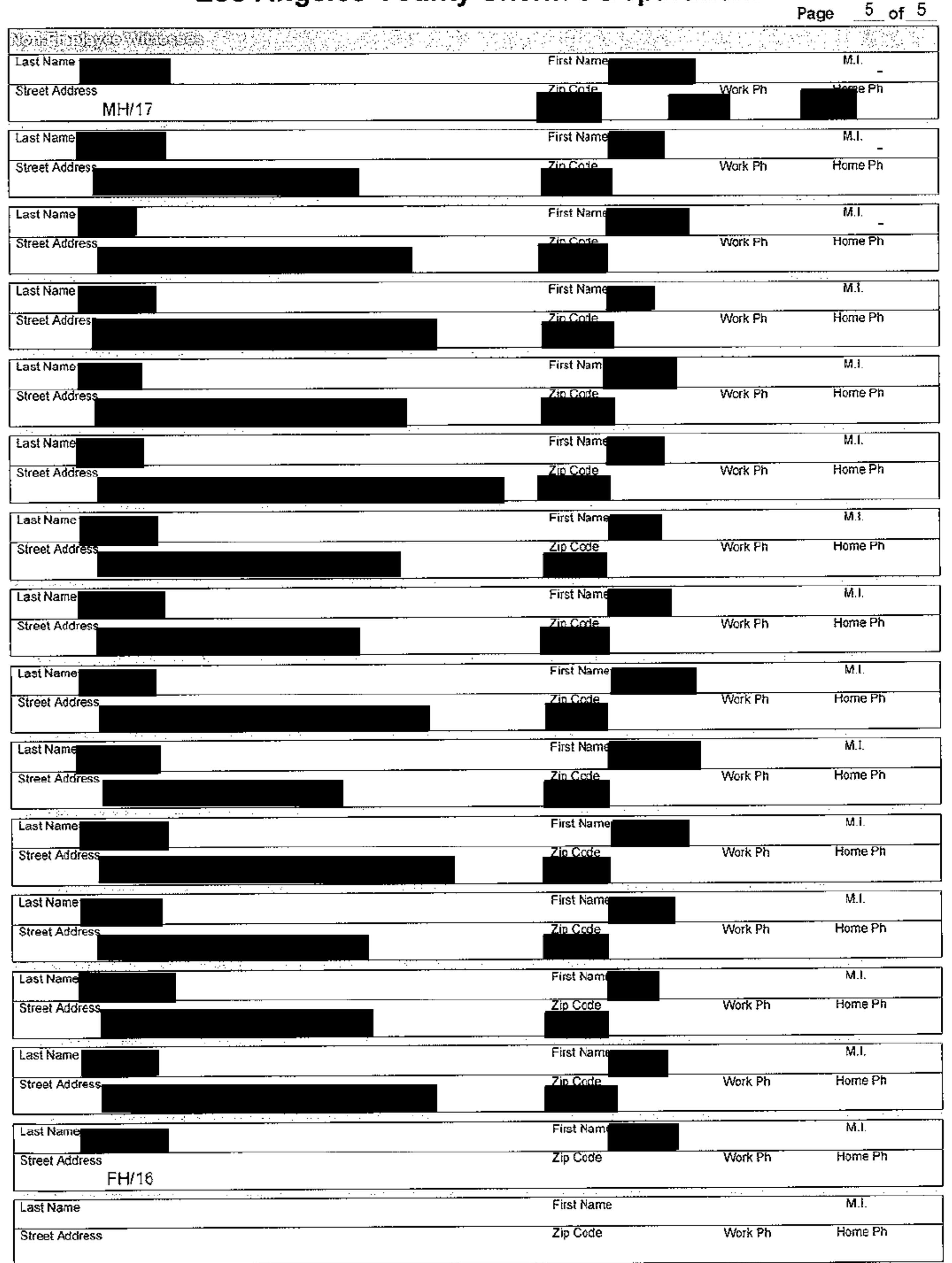
Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge: Secondary Charge:	
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge: Secondary Charge:	
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	-	MH/17	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	-	[redacted]	[redacted]		
[redacted]	[redacted]	-	[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		FH/16			

County of Los Angeles
SHERIFF'S DEPARTMENT
HIT SHOOTING EVALUATION
(On Duty)
(Suspect Deceased)

UNIT: East Los Angeles Sheriff's Station
DATE: November 30, 2008, Sunday
TIME: 0205 hours
LOCATION: [redacted] N. Humpreys Avenue, East Los Angeles (Unincorporated)
URN#: 008-15402-0273-013
IAB#: SH2233356

NATURE OF INCIDENT:
On November 30, 2008, at approximately 0205 hours, East Los Angeles Deputies Hugo F. Ramos, Employee #[redacted] and his partner, Joseph M. Manfree, Employee #[redacted] shot Suspect Salvador Zepeda (MH/18) when he pointed what deputies believed was a handgun at them.

Deputies Ramos and Manfree were dispatched as assisting units to the location o f [redacted] Floral Avenue, East Los Angeles regarding an "illegal shots fired" call (ELA Tag-38). As Deputies Ramos (driver) and Manfree (passenger) drove west on Folsom Street approaching Humphreys Avenue, they saw Suspect Zepeda running east on Folsom Street, crossing from the south sidewalk to the north sidewalk and continue running toward the northwest corner of Humpreys Avenue/Folsom Street. The deputies stopped their black and white patrol vehicle next to the stop sign at the northeast side of the intersection and quickly exited as the suspect reached the northwest corner of the intersection. Suspect Zepeda stopped and looked in the direction of the deputies, then reached into his waistband and removed a large black hand gun, and pointed it at deputy personnel. Fearing for their safety, both deputies fired several shots at the suspect, striking him.

Suspect Zepeda sustained gunshot wounds to the head, left shoulder, groin, and back side. He was pronounced dead at the scene by Los Angeles County Fire/Paramedics. A large, black steel air-pistol hand gun was recovered adjacent to the suspect's body. Neither deputy was injured.

By: Frank F. Quichocho, Sergeant
Date: June 10, 2010

The following is a summary of the events:
Deputies Oscar Lopez, Employee #[redacted] and his partner, Mario Astorga, Employee #[redacted] assigned as ELA 21/E, were one of the assisting units on an "illegal shots fired" call for service. They drove drove to the location at [redacted] Floral Drive, and discovered that a party had already dispersed. Contacts with several partygoers met with negative results concerning a shooting and/or gunshots in the area; however, Deputies Lopez and Astorga continued searching the vicinity for potential gunshot victims and/or evidence of a shooting.

As they were driving east on Floral Drive, Deputies Lopez and Astorga saw Suspect Zepeda crouched behind a parked truck on Humpreys Avenue adjacent to [redacted] Floral Drive. When they made a U-turn to contact him, they lost sight of him. It appeared as if Suspect Zepeda was "lying-in-wait," or planning an ambush. Deputies Lopez and Astorga drove west through the north alley of Floral Drive then north on Sydney Avenue, when they saw Suspect Zepeda running north on the east side of Sydney Avenue then east on Folsom Street from Sydney Avenue. As they momentarily lost sight of Suspect Zepeda, they also noticed that a blacked-out patrol vehicle was driving west on Folsom Street, just east of their location, which was later identified as ELA 24 (Deputies Ramos and Manfree). Soon after, they heard gunshots and believed they were being fired upon. They exited their patrol vehicle and took cover eventually realizing that Deputies Ramos and Manfree were just involved in a shooting with Suspect Zepeda.

ELA 24, Deputies Ramos and Manfree, were driving west on Folsom Street approaching Humphreys Avenue searching the area for illegal activity related to the "illegal shots fired" call for service. Deputy Ramos then saw a male individual (Suspect Zepeda) about two streets (Sydney Avenue) from his location running from the south sidewalk of the street crossing over to the north sidewalk and then sprinting east toward the northwest corner of Humpreys Avenue and Folsom Street toward them.

After advising his partner, Deputy Manfree, of his observations concerning Suspect Zepeda's approach toward them, Deputy Ramos decided to make contact with the suspect based on the call for service. When Suspect Zepeda reached the northwest corner of Humpreys Avenue and Folsom Street, both deputies exited their patrol car, which was at the northeast corner of Humpreys Avenue/Folsom Street. Suspect Zepeda immediately stopped running, looked at them, and with his left hand pulled up his sweat shirt, and with his right hand removed what appeared to be a large hand gun from his waistband. At this point, both Deputies Ramos and Manfree were already out of their patrol vehicle with duty weapons drawn and pointed at Suspect Zepeda.

Suspect Zepeda continued to raise the hand gun from his waistband and began to point it at them. Fearing for their lives, and believing Suspect Zepeda was going to shoot them, they both fired several rounds at Suspect Zepeda, striking him.

Deputy Ramos immediately initiated an officer-involved shooting broadcast and requested fire/paramedics to respond to their location. Although Suspect Zepeda remained motionless on the ground, he had both of his hands tucked underneath his body. Assisting unit ELA 21, Deputies Lopez and Astorga, subsequently helped Deputies Ramos and Astorga in tactically approaching Suspect Zepeda, whereby his hands were pulled out from underneath his body and handcuffed for officer safety pending the arrival of fire/paramedics.

Captain Cervantes of Los Angeles County Fire Department, Engine #1, Squad #3, pronounced the suspect dead at 0223 hours.

A black air-pistol "Mark Man 17" was recovered at the scene, laying on a grass easement, just west of Suspect Zepeda's body.

Internal Affairs Bureau was notified at 0300 hours, whereby Lieutenant Don Slawson, along with Sergeant's Laura Haynes and Teri Roberts responded to the command post to conduct a Shooting Review of the incident.

On August 31, 2009, Los Angeles County Deputy District Attorney Stephanie Sparagna (JSID) issued a Letter of Opinion concerning the deputy-involved shooting. The District Attorney's conclusion stated the following:

> **"The evidence examined shows that Deputies Ramos and Manfree attempted to contact Salvador Zepeda regarding a "Shots Fired" call. Zepeda initially ran away from deputies then turned and pointed what appeared to be a firearm at them. Unbeknownst to the deputies, Zepeda was pointing an air pistol. The deputies, in fear for their lives, responded with deadly force.**
>
> **We conclude that Deputies Hugo Ramos and Joseph Manfree acted in lawful self-defense of another when they used deadly force against Salvador Zepeda-Alarcon. We are therefore closing our file and will take no further action in this matter."**
>
> <u>IAB Note</u>: Refer to Exhibit A, for a complete copy of the Letter of Opinion issued by the Los Angeles County District Attorney's Office regarding the deputy-involved shooting.

The following summary is based on written documentation, and interviews of involved deputies.

INVOLVED PERSONNEL:

Ramos, Hugo F., Deputy Sheriff, Employee #[redacted]
East Los Angeles Sheriff's Station
Field Operations Region I

EMPLOYEE WORK HISTORY:
Date of Employment: 09-27-1995
Date Assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): 01/23/2005: Armed Person, Fleeing Suspect, Foot Pursuit
Prior Founded Force Incidents: [redacted]

Manfree, Joseph M., Deputy Sheriff, Employee #[redacted]
East Los Angeles Sheriff's Station
Field Operations Region I

EMPLOYEE WORK HISTORY:
Date of Employment: 11-08-2001
Date Assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT:

Zepeda-Alarcon, Salvador, MH/18, DOB: 03-08-1990, 5'09/115, Blk/Bro.
Address: [redacted] Home: [redacted]
CII# [redacted] MAIN# [redacted] FBI# [redacted] CDL# [redacted] JAIN# [redacted]

Involved Suspect Juvenile History:
Suspect Zepeda had an [redacted] He was also a "Lopez Maravilla" gang member.

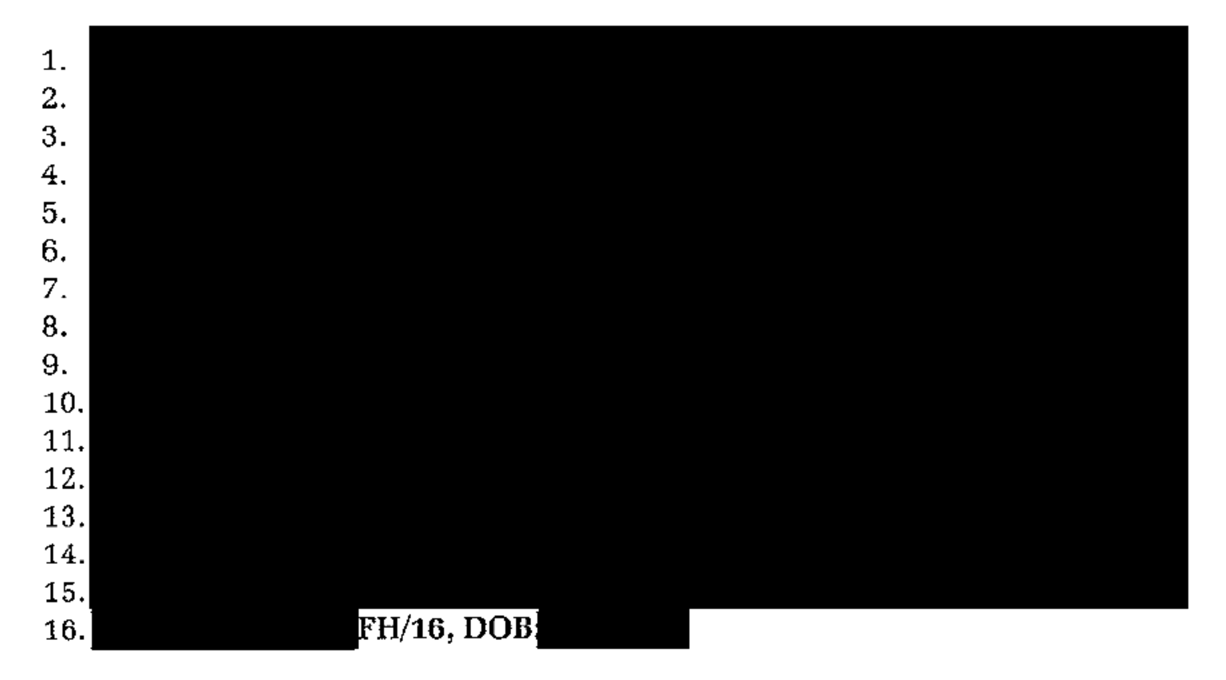
VICTIM'S:

1. Deputy Hugo F. Ramos
2. Deputy Joseph M. Manfree

IAB Note: Refer to the Exhibits for a summary of the Homicide interview/transcription and Internal Affairs interviews.

CIVILIAN WITNESSES:

Interviewed by LASD Homicide



1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]
5. [redacted]
6. [redacted]
7. [redacted]
8. [redacted]
9. [redacted]
10. [redacted]
11. [redacted]
12. [redacted]
13. [redacted]
14. [redacted]
15. [redacted]
16. [redacted] **FH/16, DOB** [redacted]

IAB Note: Refer to Exhibit B for a summary of the Homicide interview.

CANVASSED AREA OF WITNESSES:

IAB Note: Refer to Exhibit B for a supplementary report of listed witness statements by patrol personnel.

DEPARTMENT WITNESS(S):

1. **Deputy Oscar L. Lopez**
2. **Deputy Mario G. Astorga**

> **<u>IAB Note:</u> Refer to Exhibit B for a summary of the Homicide interview, and subsequent supplementary reports.**

INVOLVED EMPLOYEE STATEMENTS:

Deputy Hugo Ramos, Employee #[redacted] was interviewed by Internal Affairs Sergeant Frank Quichocho on April 21, 2010, at approximately 0948 hours. Deputy Ramos was represented by ALADS Attorney, Anna Slotky from the Offices of Green and Shinee. The interview was digitally recorded and the following is a summary.

Deputy Ramos (driver) said he and his patrol [redacted] Deputy Manfree (passenger), were the assisting unit regarding an "illegal shots fired" call for service at [redacted] Floral Drive, East Los Angeles. While driving their marked patrol vehicle west on Folsom Street approaching Humpreys Avenue, Deputy Ramos said he saw Suspect Zepeda running from the south sidewalk of Folsom Street at Sydney Avenue, which was about two streets from his location, crossing over to the north sidewalk.

Deputy Ramos described Suspect's Zepeda's manner of running as a full sprint when he ran across the south side walk of Folsom Street onto the north sidewalk. As Suspect Zepeda ran east on Folsom Street toward their direction, Deputy Ramos warned Deputy Manfree of his observations and decided to contact Suspect Zepeda in relation to the call for service, which was a tenth of a mile, south of their location. As they drove to the intersection of Folsom Street and Humpreys Avenue, Deputy Ramos said Suspect Zepeda was already at the northwest corner of the intersection.

Deputy Ramos said he stopped the patrol vehicle, and quickly exited with Deputy Manfree, at which time, he saw Suspect Zepeda immediately stop and look toward their direction. At this point, Deputy Ramos stated he saw Suspect Zepeda pull his sweat shirt up with his left hand, while his right hand removed what appeared to be a large handgun from his waistband. As Suspect Zepeda was raising the gun toward them, Deputy Ramos said he was out of his patrol car with his weapon drawn and aimed at him. Fearing for his life, and his partner's, as well as believing Suspect Zepeda was going to kill them, he fired about three to five rounds, striking him. When Suspect Zepeda fell to the ground, Deputy Ramos initiated an emergent crime broadcast regarding an officer-involved shooting at the location and requested for Fire/Paramedics to respond for the suspect.

Although Suspect Zepeda laid motionless on the ground, Deputy Ramos said both of the suspect's hands were tucked underneath his body; therefore, for officer safety, he requested Deputies Lopez and Astorga (ELA 21) to assist them in tactically approaching the suspect and handcuffing him. Seconds later, additional assisting units arrived along with Fire/Paramedics.

During follow-up questioning, Deputy Ramos said the call for service was a priority call which was both voiced over the dispatch channel and sent to their Mobile Digital Terminal (MDT). Upon receiving the call, Deputy Ramos said he was at Blanchard Avenue, north of Folsom Street when he headed east to southbound Lopez Avenue to westbound Folsom Street.

While driving west on Folsom Street, mid-block between Lopez Avenue and Humpreys Avenue, Deputy Ramos stated he was blacked-out (no lights on) in the middle of the street when he first noticed Suspect Zepeda running/sprinting toward the northwest corner of Humphreys Avenue/Folsom Street. Deputy Ramos explained that since Suspect Zepeda was initially about a couple hundred feet away from his location, he decided to wait for him to reach Humphreys Avenue in order to get a better view then make his approach to detain him concerning the "illegal shooting" call.

Once Suspect Zepeda reached the northwest corner of Humphreys Avenue and Folsom Street, Deputy Ramos said he pulled his patrol car out of the darkness, slowed down and then stopped it close to the northeast of the intersection.

Deputy Ramos indicated that he initially saw a silhouette running/sprinting toward him from about two blocks away, which ended up being Suspect Zepeda, who was the only individual on the street. He said the incident unfolded so quickly that the last thing he recalled was telling Deputy Manfree to get out of the car, adding there was no time for further communication inside the patrol car.

By the time Suspect Zepeda reached the corner of the intersection, Deputy Ramos said their patrol car was about 50 feet away from the suspect, who stopped and immediately reached into his waistband. Deputy Ramos stated that he believed Suspect Zepeda acknowledged their patrol presence by looking at them in the direction of their patrol car.

At this time, Deputy Ramos said their patrol car came to a complete stop within 20 feet of Suspect Zepeda as he and Deputy Manfree both exited. Upon exiting the patrol car, Deputy Ramos said Suspect Zepeda went straight for the waistband area of his clothing with his left hand and pulled up his sweatshirt, while his right hand pulled out a handgun which was tucked inside the waistband area. Deputy Ramos explained that the Suspect Zepeda's actions occurred immediately and within seconds. He said the suspect was standing at the corner of the sidewalk during the confrontation.

Deputy Ramos added that Suspect Zepeda completely pulled the gun out of his waistband, and raised it toward them, which was eventually pointed in their direction. Based on Suspect Zepeda's actions, Deputy Ramos said he believed he was going to be shot and killed; therefore, he fired three to five rounds at the suspect, striking him, who then fell onto the street. After he shot the suspect, Deputy Ramos said he also heard additional gunshots, but could not determine if they were from the suspect or his partner, at that time. Deputy Ramos was situated between the car door and the vehicle during the shooting.

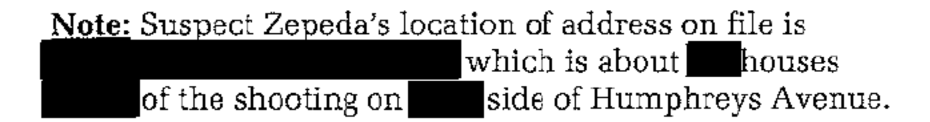
The following is an excerpt of Deputy Manfree's transcribed interview on Page 8, line 21:

Quichocho: What made you decide to detain the individual as he approached the intersection of Folsom and Humpreys there?
Ramos: For the illegal shooting. Just in case he was related to the illegal shooting.
Quichocho: So in your mind he was - - you believed that he was involved in the 923, the illegal shooting call.
Ramos: Yes.
Quichocho: At what point in time did you pull your patrol car up to the suspect? As he was rounding the corner of Humphreys or was he still on the Folsom side?
Ramos: Yeah, he was still on the Folsom side. He was approaching Humphreys, the corner there. I would say maybe within 50 feet.
Quichocho: Okay.
Ramos: He was at a full sprint.
Quichocho: As you approached him all blacked out in your patrol car, did he notice - - did you - - did it appear to you that he noticed that a patrol car was right in front of him?
Ramos: Yes. He stopped and looked at us.
Quichocho: So he did acknowledge and look in the patrol car's direction?
Ramos: Oh, yes.
Quichocho: And what was his reaction after that?
Ramos: He just went straight for his waistband. He pulled his, his sweatshirt up with his left and with his right hand he pulled out the gun.
Quichocho: Now was this just all developing like within seconds? I mean immediately?
Ramos: Yes.
Quichocho: As he was running down Folsom, at what distance did you see him, I believe you said it was his right hand pulled up his sweater? His sweatshirt?
Ramos: No, his left hand.
Quichocho: His left hand? Okay. What - - what was that distance? When you first noticed? If you recall?
Ramos: Maybe 20 feet.
Quichocho: Was he still on Folsom or was he on Humphreys already?
Ramos: No, he was at the northwest corner of Folsom and Humphreys.

Quichocho:	And he was still facing you when he made that motion?
Ramos:	Yes.
Quichocho:	And then at what point did he retrieve the large handgun with his right hand? Or was it simultaneous?
Ramos:	It was simultaneously. It was - - as he was - - it looked like he was gonna round the corner and go northbound on Humphreys, and when he noticed us, he stopped and immediately he went for his waistband.
Quichocho:	So it appeared that he was gonna - - the confrontation was gonna occur because he stopped and acknowledged you guys?
Ramos:	Yes.
Quichocho:	Did he like square off towards you guys? When he pulled what appeared to be the large handgun, at what point - - did he pull it out of his waistband? Out of a pocket? Out of his sweatshirt?
Ramos:	No, it was tucked in his waistband.
Quichocho:	As he was doing that, where were you positioned out now in your patrol car?
Ramos:	I was out of the car. By the driver side door.
Quichocho:	And, I apologize, but you said you were, that distance was now 20 feet?
Ramos:	Yeah. About 20 feet.
Quichocho:	So you're patrol car is now stopped; you're out of the car. What was your frame of mind? What was your mind set when you saw those movements and the large handgun coming out?
Ramos:	That he was going to shoot us and kill us.
Quichocho:	How far did he pull the gun out before you guys reacted to his behavior?
Ramos:	I would say it was completely out. He was raising it and it was going, pointed towards our direction.
Quichocho:	So it was already coming up towards you guys?
Ramos:	Yes.
Quichocho:	And it was at that time that you fired at the suspect?
Ramos:	Yes.
Quichocho:	And how many times did you fire at him?
Ramos:	Between three and five.

During the confrontation, Deputy Ramos said he had no chance to give Suspect Zepeda verbal commands once they exited their patrol car.

The area was described by Deputy Ramos as a residential neighborhood. His backdrop was a residential home with the address of [redacted] N. Humphreys Avenue. He added that there is a street light on the northwest corner of Humphreys Avenue/Folsom Street and that it was a clear night. He stated the area is known hangout for the "Lopez Maravilla" gang in East Los Angeles, where many murders, and shootings have occurred, of which he has handled incidents involving murders, robberies, and car-jackings in the area, as well.



Note: Suspect Zepeda's location of address on file is [redacted] which is about [redacted] houses [redacted] of the shooting on [redacted] side of Humphreys Avenue.

Deputy Ramos stated there was no cross fire situation during the encounter and that he had point of aim and target acquisition adding his laser sights were on the suspect.

Deputy Joseph Manfree. Employee #[redacted] was interviewed by Internal Affairs Sergeant Frank Quichocho on April 21, 2010, at approximately 1018 hours. Deputy Manfree was represented by ALADS Attorney, Anna Slotky from the Offices of Green and Shinee. The interview was digitally recorded and the following is a summary.

Deputy Manfree said he and his [redacted] Deputy Ramos, responded to the general area of Humphreys/Folsom Street, in search of the source of an "illegal shots fired" call for service. As the bookman/passenger of the patrol car, Deputy Manfree was warned by Deputy Ramos (driver) that he saw somebody running toward them. Deputy Manfree said as he was being advised of the suspect information, he simultaneously saw Suspect Zepeda stop at the corner of Humphreys Avenue/Folsom Avenue and retrieve a gun from his waistband. He immediately got out of the patrol car and fearing for his safety and life, shot the suspect.

During follow-up questioning, Deputy Manfree said the call for service was an illegal shooting call, which could mean several things like somebody shooting in the area, gunshots being fired, shots linked to a murder, and/or somebody getting shot.

Deputy Manfree said the call was dispatched as a priority call for service, which was coordinated with other assisting units in response to a search of the area for the source of the shooting.

While driving west on Folsom Street toward Humphreys Avenue, Deputy Manfree stated the address of the call for service was a street south of Folsom Street, which is Floral Drive.

Deputy Manfree said by the time Deputy Ramos advised him of his observations concerning Suspect Zepeda, the suspect was already at the northwest corner of the intersection, where he stopped and retrieved what appeared to be a "little machine gun" from his waistband and pointed it toward his direction. He said the confrontation occurred very fast so that he could not recall which hand the suspect used to pull the gun out from the waistband. He added that once the patrol car came to a stop, he saw Suspect Zepeda facing them and coming out with the gun, so he quickly jumped out of the car and immediately fired his weapon at him. Deputy Manfree added that by the time he looked for the silhouette that was running toward them, as observed and advised by Deputy Ramos, the suspect was already at the intersection.

The following is an excerpt of Deputy Manfree's transcribed interview on Page 4, line 44:

Quichocho: And when your [redacted] pointed out the suspect to you, what did you do or what did you see?

Manfree: I -- I saw him running and come to a stop at this corner, and he retrieved what looked like a little machine gun from his waistband and pointed it to my direction.

Quichocho: And do you know what -- which hand he retrieved what appeared to be the machine gun? If you recall?

Manfree: I don't recall exactly which hand it was.

Quichocho: Was this happening, like, really fast?

Manfree: Yes, sir.

Quichocho: Was your patrol car already stopped at that time?

Manfree: It -- it seemed like it happened at the same time because when the patrol car stopped, I saw and I reacted. I jumped out of the vehicle.

Quichocho: So when you jumped out of the vehicle, what else did you see the suspect doing at that point in time?

Manfree: That -- that was the last thing that I saw was him coming up with it, and I immediately fired.

Quichocho: Can you describe that more in a little -- better detail than what you said was a machine gun?

Manfree: I saw him coming up from his waistband in our direction. I saw the gun and that's when I immediately fired. I don't know how --

Quichocho: At some point in time, he was holding a machine gun, pulling it out of his waistband?

Manfree: Yes.

Quichocho: Okay.

Manfree: Yes.

Quichocho: Was he facing towards you guys or was he, like, still running north on Humphreys?

Manfree: No. He wasn't -- I mean, he was facing us. I don't think he was (inaudible).

Quichocho: So in your mind, the suspect's actions told you guys -- what's your perception? What's your frame of mind (inaudible)?

Manfree: I was fearing for my life and my partner's life that he was gonna shoot us.

Quichocho: What did you do after that?

Manfree: I reacted and I reacted to the threat and I shot.

Quichocho: You know how many times you shot the suspect?

Manfree: I believe it was three times.

Quichocho: The suspect go down?

Manfree: Yes.

Deputy Manfree said he was about 30 feet from Suspect Zepeda when he shot him. He said he was situated between the patrol car door and the vehicle when he shot the suspect, who was fairly closer to him than Deputy Ramos.

Deputy Manfree stated the area is a residential neighborhood, which is a known gang area for "Lopez Maravilla." He said his back drop was a fence and a residential home.

Deputy Manfree stated he had point of aim, sight alignment and target acquisition during the encounter with the suspect. He added the incident happened within seconds of their approach. There was no other pedestrian and/or vehicle traffic in the area.

After being shot, Deputy Manfree said Suspect Zepeda fell onto the sidewalk with both hands underneath his body. Although Suspect Zepeda's weapon was on the sidewalk, within arms' reach, he also potentially posed a threat to them because his hands were hidden from view. Based on the situation, Deputy Manfree said an arrest team comprised of Deputies Lopez and Astorga (ELA 21) approached the suspect and safely handcuffed him without further incident.

After the incident, Deputy Manfree stated he and Deputy Ramos were taken back to the station, where they were sequestered and supervised by a Sergeant pending the arrival of investigators.

<u>IAB Note:</u> Refer to a copy of Deputy Manfree's transcribed interview for further detail.

<u>SUSPECT'S INJURIES:</u>

Gunshot wound #1: Entry wound to the head (right parietal) was fatal.
Gunshot wound #2: Entry wound to the neck (front left side) was fatal.
Gunshot wound #3: Entry wound to the left shoulder (top) was fatal.
Gunshot wound #4: Entry wound to the groin (left side) was fatal.
Gunshot wound #5: Entry wound to the back (left side) was fatal.

<u>DEPUTY PERSONNEL INJURIES:</u>

None.

<u>PHYSICAL EVIDENCE:</u>

<u>Collected by Scientific Services Bureau, Crime Scene Investigators:</u>

<u>Lab Receipt #K027586:</u>

Item 1: Black "Mark Man 17" air pistol, serial #[redacted] was collected from the grassy sidewalk easement west of the suspect's body. (Processed for latent prints; No latent prints were developed).

Item 2: One steel ball (NOT PROCESSED).

GSR Kit#C3929 was collected in addition of chest, facial, and arm hair samples.

Item #12: One Beretta 92F, 9mm semiautomatic handgun, with serial number BER[redacted] with laser sight grips, loaded with one(1) live round in the chamber and ten (10) live rounds in the magazine (Duty weapon of Deputy Hugo Ramos.) The pistol was transported to the Sheriff's Crime Lab by Firearms Examiner David Kim.

Item #13: One Beretta 92F, 9mm semiautomatic handgun, serial number BER[redacted] loaded with one (1) live round in the chamber and twelve (12) live rounds in the magazine (Duty weapon of Deputy Joseph Manfree.) The pistol was transported to the Sheriff's Crime Lab by Firearms Examiner David Kim.

Note: A green leafy substance and drug paraphernalia were collected at the scene and booked into evidence at the Forensic Science Laboratory.

IAB Note: Refer to Exhibit B, for further details.

INVESTIGATORS OBSERVATIONS:

Toxicological report indicates the suspect had the presence of marijuana in his system.

WEAPONS USED BY DEPUTY PERSONNEL:

DEPUTY HUGO RAMOS:

Service Weapon: Beretta 9mm caliber, Model 92F, semiautomatic pistol bearing serial number BER[redacted]
Type of Ammunition: 9mm
Ammunition: Five rounds fired with (1) live round in the chamber, and (10) live rounds in the magazine.
Shell Casings: 5 (Collected by Firearms Deputy David Kim)
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]
Laser Village: [redacted]
Item #12: Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section. **(Refer to Exhibit B).**

DEPUTY JOSEPH MANFREE:

Service Weapon: Beretta 9mm caliber, Model 92F, semiautomatic pistol bearing serial number BE[redacted]
Type of Ammunition: 9mm
Ammunition: Three rounds fired with (1) live round in the chamber, and (12) live rounds in the magazine.
Shell Casings: 3 (Collected by Firearms Deputy David Kim)
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]
Laser Village: [redacted]
Item #13: Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section. **(Refer to Exhibit B).**

WEAPONS USED BY SUSPECTS:

A black air pistol.

PROPERTY DAMAGE:

N/A

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	LASD Homicide Detectives Sergeant Howard Cooper and Detective Donna Cheek
Court:	N/A
Charges Filed:	N/A
Case Status:	N/A

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred during the hours of darkness and the weather was clear.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

August 31, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacher Road
Commerce, California 90040

RE: J.S.I.D. File No. 08-0749
LASD File No. 008-15402-0273-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 30, 2008, death of Salvador Zepeda-Alarcon by Los Angeles County Sheriff's Department Deputies Hugo Ramos and Joseph Manfree. We have concluded that the deputies acted in self-defense and in defense of others.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Detectives Howard Copper and Donna Cheeks on June 23, 2009. The District Attorney's Command Center was notified of the shooting at approximately 4:45 a.m. on November 30, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Stephanie Sparagna and Senior Investigator [redacted] responded to the scene where they were given a briefing of the circumstances and a walk-through of the location.

INTRODUCTION

On November 30, 2008, at 2:00 a.m., Deputies Ramos and Manfree were dispatched to [redacted] Floral Avenue in the City of East Los Angeles regarding a "Shots Fired" call. Ramos and Manfree were traveling in a marked police vehicle in the area of [redacted] North Humphreys Avenue when they saw Salvador Zepeda-Alarcon [Zepeda] running in their direction. This location is one tenth of a mile from [redacted] Floral Avenue. The deputies stopped and exited their car. Zepeda raised a pistol and pointed it in their direction. Both deputies shot Zepeda who fell to the street and dropped his pistol. Zepeda was pronounced dead at the scene by paramedics.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

FACTUAL ANALYSIS

Deputy Oscar Lopez and his partner, Deputy Mario Astorga, responded to a radio call of gunshots heard in the 4200 block of Floral Street, just west of Humphreys Avenue. At that location, they discovered that a party had just dispersed. The deputies spoke to numerous partygoers as they were leaving the area. None of the people interviewed reported hearing or witnessing a shooting. Lopez and Astorga continued looking in the area for potential gunshot victims and evidence of a shooting.

While patrolling in their marked car on Floral Street, they saw Zepeda crouching behind a truck parked on Humphreys Avenue. Lopez opined that Zepeda appeared to be "lying-in-wait like planning an ambush" and believed that Zepeda might be related to the "Shots Fired" call. Lopez made a U-turn so that he and Astorga could investigate. They initially lost sight of Zepeda but saw him running on Folsom Street where they again loss sight of him as he continued to run from them. Lopez and Astorga also noticed an assisting patrol unit, occupied by Deputies Ramos and Manfree, traveling west on Folsom Street, in Zepeda's direction. Shortly thereafter, Lopez and Astorga heard gunshots. They exited their car and approached Folsom Street and Humphreys Avenue on foot while taking cover behind parked cars. They heard radio traffic indicating that an assisting unit had just been involved in a shooting. When they reached the intersection, Lopez and Astorga saw Ramos and Manfree positioned behind the front doors of their patrol car with their guns pointed towards Zepeda who was lying on the street. Lopez and Astorga saw what appeared to be a large handgun lying on the grass just west of Zepeda.

Ramos and Manfree were traveling on Folsom Street near Humphreys Avenue when Ramos caught a glimpse of a silhouette, later identified as Zepeda, sprint in front of them. Ramos thought that Zepeda could be involved in the "Shots Fired" call and advised Manfree of his observations. Ramos turned the vehicle's headlights off which allowed them to get close to Zepeda rapidly without being detected. As they neared the intersection of Humphreys Avenue and Folsom Street, Ramos saw Zepeda run directly towards them. Ramos stopped and exited his car and drew his service weapon while taking cover behind the front door. Ramos illuminated Zepeda with the vehicle mounted driver's side spotlight. Zepeda stopped on the corner, looked directly at Ramos, and raised his sweatshirt exposing his waistband. Zepeda retrieved a large black handgun from the front portion of his pants and pointed it directly at Ramos who initially thought it was a Mac-10. Fearing that Zepeda was about to shoot him and his partner, Ramos fired at Zepeda three to five times until Zepeda fell to the street. Ramos saw Zepeda's gun on the grass adjacent to the sidewalk. Ramos immediately advised all units via his handheld radio of the shooting.

Manfree explained that Ramos abruptly stopped the car after seeing Zepeda running in front of them, moments before shooting. Manfree exited the car just as it came to a stop and immediately drew his service weapon and took cover behind the front passenger door. Manfree saw Zepeda holding a large handgun in his hands. Zepeda raised the gun from his waistband into a shooting position as he pointed it directly at Manfree. Fearing he was about to be shot, Manfree fired at Zepeda two to three times. Zepeda fell to the street and his gun fell onto the sidewalk area.

Manfree could not recall whether verbal commands were given to Zepeda noting that it happened "really fast."

[redacted] had just left a house party. He was standing on Folsom Street near Humphreys Avenue when he heard the sound of a car rapidly braking and saw a sheriff's car come to a stop. [redacted] saw Ramos and Manfree exit their patrol car, draw and point their guns and yell, "Freeze." [redacted] saw Zepeda raise both of his hands just below his head. [redacted] did not see anything in Zepeda's hands. [redacted] said that the shots were fired immediately after the commands were given by the deputies. [redacted] perceived that Zepeda "did what they said..., stopped right away" and froze. [redacted] had seen Zepeda run from another police car on Humphreys a few minutes prior to the shooting. [redacted] did not hear any gunshots prior to this incident but reported that other partygoers said that they heard gunfire.

[redacted] was leaving the party when she heard the sound of a braking car. She saw Manfree and Ramos exit their car and heard them give the commands to "stop" and "freeze" at least two times. [redacted] did not see to whom the commands were directed. Within seconds of hearing the commands, she heard three to four gunshots. [redacted] did not see anyone else in the intersection.

[redacted] resides at the corner of Humphreys Avenue and Folsom Street. [redacted] knew Zepeda by the nickname of "Chava." [redacted] was hostile and uncooperative. She said she was awakened by the gunshots and then asserted that she witnessed the shooting when she looked out her window. [redacted] described the deputies as crouched behind a car shooting in an easterly direction. The investigators looked out the window and noted that the view of the location of the shooting was blocked by parked cars. [redacted] was outside her home on her cell phone during the entire time investigators were conducting the crime scene investigation. Investigators overheard [redacted] state, while talking on her cell phone, that she was awakened by the gunshots and did not see anything.

Investigators noted that Manfree and Ramos' patrol car was parked with both front doors opened, the engine running and lights off. Investigators observed what appeared to be a black handgun, similar in appearance to a small assault weapon, laying on the grass easement just west of Zepeda. Upon closer examination, investigators noted that the handgun was an air pistol.

An examination of Ramos' firearm revealed one round in the chamber and ten rounds in the magazine. It was determined that Ramos fired five rounds. An examination of Manfree's firearm revealed one round in the chamber and twelve rounds in the magazine. It was determined that Manfree fired his service weapon three times during the incident.

On December 2, 2008, Dr. Ogbonna Chinwah conducted an autopsy on Salvador Zepeda and ascribed the cause of death to "multiple gunshot wounds." Dr. Chinwah found five gunshot wounds, all of which were determined to be fatal. A toxicology test showed recent use of marijuana indicating that Zepeda was under the influence of marijuana at the time of the shooting.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense or the defense of another actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. William* (1975) 75 Cal. App. 3d 731

If one is confronted by the appearance of danger which arouses in his mind, as a reasonable person, an honest conviction and fear that he is about to suffer bodily injury, and if a reasonable person in a like situation seeing and knowing the same facts, would be justified in believing himself in like danger, and if the person so confronted acts in fear and honest conviction, his right of self-defense is the same whether such danger is real or apparent. *People v. Jackson* (1965) 233 Cal. App. 2d 639

The evidence examined shows that Deputies Ramos and Manfree attempted to contact Salvador Zepeda regarding a "Shots Fired" call. Zepeda initially ran away from deputies then turned and pointed what appeared to be a firearm at them. Unbeknownst to the deputies, Zepeda was pointing an air pistol. The deputies, in fear for their lives, responded with deadly force.

We conclude that Deputies Hugo Ramos and Joseph Manfree acted in lawful self-defense and in defense of another when they used deadly force against Salvador Zepeda-Alarcon. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

STEPHANIE SPARAGNA
Deputy District Attorney

c: Deputy Hugo Ramos #[redacted]
Deputy Joseph Manfree #[redacted]